

## Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15  
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EUR/CE:CFLYNN  
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-----078972 222346Z /13

P 222207Z AUG 78  
FM SECSTATE WASHDC  
TO AMEMBASSY BONN PRIORITY  
INFO AMEMBASSY LONDON PRIORITY  
AMEMBASSY PARIS PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, GW

SUBJECT: CIVAIR: US POSITION FOR USG-FRG TALKS

1. THREE DAYS OF HEARINGS ON INTERNATIONAL AVIATION  
POLICY COMMENCED ON AUGUST 22 BEFORE THE SENATE AVIATION  
SUBCOMMITTEE. LAST WEEK, SEVERAL US AIRLINES HAD  
APPROACHED SENATOR CANNON, COMMITTEE CHAIRMAN, TO ADVISE  
HIM THAT USDEL WAS PREPARING AN "OPEN SKIES" PROPOSAL FOR  
FRG. AIRLINES RECOMMENDED THAT CANNON INTERVENE TO PRE-  
VENT PROPOSAL BEING MADE TO FRG PRIOR TO HEARINGS, SO THAT  
HEARINGS COULD AIR WISDOM OF PROPOSED US POSITION.  
CANNON'S STAFF CONTACTED DEPARTMENT ON AUGUST 18, WHICH  
ASSURED STAFF THAT NO ACTION WOULD BE TAKEN IN NEGOTIA-  
TIONS PRIOR TO END OF HEARINGS ON AUGUST 24. WE WELCOMED  
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OPPORTUNITY TO EXPLAIN US POSITION BEFORE SUBCOMMITTEE.

2. UNDER SECRETARY COOPER TESTIFIED BEFORE CANNON SUB-  
COMMITTEE ON BROAD RANGE OF INTERNATIONAL AVIATION POLICY  
TOPICS (TESTIMONY BEING POUCHED). IN RESPONSE TO  
QUESTIONS FROM SENATOR CANNON, COOPER OUTLINED PROPOSED  
USDEL POSITION THAT HAD BEEN AGREED TO PREVIOUS DAY BY

INTERAGENCY POLICY COMMITTEE. COOPER STATED THAT US POSITION WOULD BE AS FOLLOWS:

-- "AIRLINES OF BOTH SIDES MAY OPERATE BETWEEN ANY POINTS OR POINTS IN US AND ANY POINTS OR POINTS IN FRG. AIRLINES SHOULD BE ALLOWED TO COTERMINALIZE ANY POINTS AT THEIR OPTION.

-- "ON BEYOND RIGHTS, RETAIN OPEN BEYOND RIGHTS FOR US AIRLINES BUT ELIMINATE PRESENT SECTOR RESTRICTIONS. NO CHANGE IN NAMED BEYOND RIGHTS FOR FRG AIRLINES. FOR AIRLINES OF BOTH SIDES, ELIMINATE BERMUDA I CAPACITY RESTRICTIONS.

-- "REAFFIRM CLEAR RIGHT TO DESIGNATE MULTIPLE AIRLINES.

-- " NEW FARES ARTICLE UNDER WHICH BOTH COUNTRIES MUST AGREE BEFORE A PROPOSED FARE IS DISAPPROVED, WHETHER FARE IS FILED BY A US AIRLINE, AN FRG AIRLINE, OR A THIRD-FLAG AIRLINE. ON THEIR FIFTH-FREEDOM OPERATIONS, US AND FRG AIRLINES MUST BE PERMITTED TO MATCH THE FARES OF THE THIRD- AND FOURTH-FREEDOM CARRIERS.

-- "LIBERAL CHANGE-OF-GAUGE PROVISION, ALLOWING ALL CHANGES, INCLUDING FAN AND 'Y' CHANGES, SO LONG AS CAPACITY OF OUTGOING AIRCRAFT OR AIRCRAFTS DOES NOT EXCEED CAPACITY LIMITED OFFICIAL USE

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OF INCOMING.

-- "COUNTRY-OF-ORIGIN CHARTER RULES, PLUS GUARANTEED ACCESS TO THE OTHER COUNTRY,S CHARTER MARKET THROUGH AGREED MAXIMUM CRITERIA (E.G., NEITHER COUNTRY MAY HAVE AN ADVANCE BOOKING PERIOD EXCEEDING 14 DAYS OR A MINIMUM-STAY REQUIREMENT EXCEEDING 4 DAYS)."

3. FRG WASHINGTON EMBASSY ATTENDED HEARINGS. TO MINIMIZE CHANCES OF ERRORS IN REPORTING, DEPARTMENT PROVIDED EMBASSY REPRESENTATIVE WITH UNOFFICIAL NONPAPER CONTAINING ABOVE OUTLINE.

4. SECRETARY ADAMS OF DOT ALSO TESTIFIED ON AUGUST 22, AND IN RESPONSE TO QUESTIONS STATED HIS SUPPORT FOR OPEN-SKIES PROPOSAL FORMULATED FOR FRG NEGOTIATIONS. CAB CHAIRMAN KAHN TO TESTIFY ON AUGUST 23.

5. IT WAS MADE CLEAR AT HEARINGS THAT ABOVE POSITION WAS SOMEWHAT TENTATIVE, LEAVING OPEN POSSIBILITY THAT STRONG CONGRESSIONAL OPPOSITION AT CLOSE OF HEARINGS COULD RESULT IN CHANGES. SENATOR CANNON (WHO WAS ONLY MEMBER PRESENT)

EXPRESSED NO DIRECT OPPOSITION TO US POSITION, ALTHOUGH HIS  
QUESTIONS INDICATED THAT HE MAY HAVE DOUBTS ON CERTAIN

POINTS. SENATOR CANNON QUESTIONED WITNESS FOR AIR  
TRANSPORT ASSOCIATION ON US POSITION; WITNESS WAS UNABLE  
TO EXPRESS A VIEW SINCE HIS MEMBER-CARRIERS HAVE DIFFERING  
POSITIONS. CHRISTOPHER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NEGOTIATIONS, AVIATION AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 aug 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
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**Disposition Date:** 20 Mar 2014  
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**Disposition History:** n/a  
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**TAGS:** EAIR, GE, US  
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